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1       A.           Where I historically trained and where I  
2       had gone through, I never recall nurses -- RNs --  
3       put in arterial lines. So that was -- That was new  
4       to me when I found out that in some institutions  
5       nurses could put in arterial lines.

6       Q.           They could put it in. But you, as part  
7       of your training as program director, no one told  
8       you specifically that a nurse could not put in an  
9       arterial line at Mount Carmel Hospital; is that  
10      correct?

11      A.           That's correct.

12      Q.           Okay. And you didn't provide any  
13      training to the residents with respect to scope of  
14      practice; isn't that correct -- regarding arterial  
15      lines?

16      A.           Regarding nurses placing arterial lines?  
17      That's correct.

18      Q.           Okay. And you're not aware of anybody at  
19      Mount Carmel Hospital providing any training with  
20      respect to scope of practice for residents regarding  
21      arterial lines; is that correct?

22      A.           That's correct.

23      Q.           So the first time you learned that there  
24      was a specific rule or policy that had been violated

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1 is when you talked to Ms. Dixon; isn't that correct?

2 A. That is correct.

3 Q. Okay. Now, who may -- Well, let's go  
4 back to the beginning when your first conversation  
5 was with Ms. Dixon.

6 Did Ms. Dixon at any time during that  
7 conversation suggest, advise or state that there  
8 should be an investigation?

9 A. Did Ms. Dixon state that there should be  
10 an investigation?

11 Q. Right.

12 A. With consultation with human resources,  
13 yes.

14 Q. Right. Okay.  
15 Now, that same day, you told me you  
16 questioned Dr. Nayyar, correct?

17 A. Uh-huh.

18 Q. And then after that, was your questioning  
19 of Dr. Nayyar before or after your conversation with  
20 Ms. Dixon?

21 A. My conversation with Dr. Nayyar was after  
22 my conversation with Jeanne Dixon.

23 Q. Okay. And you say that the HR Department  
24 recommended that they be pulled from clinical

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1     reminded him not to speak to anybody about this --  
2     the events surrounding the incident and the issue of  
3     the incident.

4     Q.           And these warnings that you gave  
5     Dr. Nayyar, did you ever write this down or record  
6     that you had said this to him?

7     A.           No, sir.

8     Q.           Did you ever send him an e-mail or phone  
9     call? I mean, other than the call, did you ever  
10    send him an e-mail or provide him anything in  
11    writing?

12    A.           I don't recall sending him an e-mail, but  
13    I don't remember. We may have communicated by  
14    e-mail, but I don't think I would have done that.

15    Q.           Okay. Let's go back to the room after  
16    Dr. Nayyar has left.

17    A.           Okay.

18    Q.           Did anybody say anything about  
19    disciplining Dr. Nayyar as a result of the  
20    information that you and the other people in that  
21    room had been discussing?

22    A.           Yeah, there was some discussion.

23    Q.           Okay. Who first suggested the idea of  
24    disciplining him?

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1       A.           I believe it was me. But there may have  
2       been somebody else who had mentioned it prior to  
3       that.

4       Q.           Okay. And what did you recommend?

5       A.           I was concerned about him, and that I  
6       couldn't trust him because -- and so I recommended  
7       that we -- we talked about letting him go.

8       Q.           Why did you decide at that point that we  
9       should take the step of letting him go?

10      A.           I lost trust in him.

11      Q.           Did you consider any other possible  
12      disciplinary action with respect to Dr. Nayyar?

13      A.           Yeah. I may not have mentioned it in the  
14      room. I may have. I don't recall. But yeah, I  
15      thought about it.

16      Q.           Did you consider counseling him about  
17      this issue as a possible discipline?

18      A.           I felt that I had counseled him in the  
19      sense that I had said I need you to be honest.

20      Q.           Right. And he broke your trust, right?  
21      He violated your rule, right?

22      A.           Yeah, he did. Yes.

23      Q.           Now, we've established that.

24                   Now, did you consider any other paths,

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1 other than termination, for Dr. Nayyar to fix this  
2 problem?

3 A. No.

4 Q. Why not?

5 A. Because he lied.

6 Q. Okay. Prior to the A-line incident and  
7 what you say was a lie after the incident, had he  
8 ever lied to you before?

9 A. Not that I recall.

10 Q. Did you have any reason to distrust him?

11 A. Prior to this?

12 Q. Right.

13 A. No.

14 Q. So this is the first time this happened,  
15 right? Isn't that correct -- with respect to  
16 Dr. Nayyar?

17 A. That he lied like this? Yeah.

18 Q. Right. Was it possible to consider some  
19 alternative means other than termination?

20 A. Yeah, it was a possibility.

21 Q. Okay. What were those possible  
22 alternatives?

23 A. Extending his training was a possibility.

24 Q. What else?

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1       A.           You know, maybe putting him on a leave  
2       for a period of time could have been another  
3       possibility.

4       Q.           Why didn't you consider putting him on  
5       leave for an extended period of time?

6       A.           Because he never admitted that he lied.  
7       He had broken that trust with me.

8       Q.           Right. Did you ever confront him with  
9       the information that said, Sunil, I know you're  
10      lying. Here's the information. This proves you're  
11      lying. Did you ever confront him with that?

12      A.           I don't know if I personally did. I  
13      don't remember doing that.

14      Q.           Would you agree that if he did lie, he  
15      made a mistake, didn't he?

16      A.           Yeah.

17      Q.           Okay. Do all mistakes that occur in a  
18      residency program result in termination?

19      A.           No.

20      Q.           When you were a resident, have you ever  
21      lied about anything?

22      A.           That's a long time ago, sir. Oh, boy. I  
23      don't remember. That was a long time ago, sir.

24      Q.           Could you understand why a young man in

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1     this situation would be afraid?

2     A.             I can understand why he would be afraid.

3     Q.             Investigations aren't the normal course  
4     of a residency program; isn't that correct?

5     A.             Not an everyday event, no, sir.

6     Q.             Okay. And this concerned an incident in  
7     an ICU, didn't it?

8     A.             Yes.

9     Q.             Do you think now you should have given  
10    him another chance or tried another path other than  
11    terminating him?

12    A.             No, sir.

13    Q.             Why is that?

14    A.             Because he never admitted to me that he  
15    lied.

16    Q.             We're going to talk about that. We are  
17    going to talk about that.

18                   Did you ever confront him and say, You  
19    lied to me?

20    A.             No.

21    Q.             Okay. Did you ever consider it a  
22    possibility that he may not have understood your  
23    instructions?

24    A.             No, I didn't consider that.

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1 Q. Okay. You were upset, weren't you?

2 A. Upset?

3 Q. Yeah, that he lied to you.

4 A. I was disappointed.

5 Q. You were angry, weren't you?

6 A. Angry?

7 Q. Uh-huh.

8 A. No, sir. I wasn't angry.

9 Q. Disappointed?

10 A. Yeah, I was disappointed.

11 Q. Okay. Did you ever confront him at all

12 with any evidence to say, Sunil, I know you lied?

13 A. At the point of time of termination, I

14 handed him a letter that defined why I was

15 terminating him.

16 Q. Right.

17 A. And that I heard different stories. And

18 at that point in time, he still did not admit.

19 Q. I understand that. But that's at the

20 point he's being told he's terminated, right? Is

21 that correct?

22 A. Correct.

23 Q. You didn't do any of that prior to your

24 decision to terminate him; isn't that correct?